

**REMARKS**

The Office Action dated February 24, 2005, has been received and carefully considered.

In this response, claims 91-95 have been added. Entry of added claims 91-95 is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

**I. THE ANTICIPATION REJECTION OF CLAIMS 1-12, 14-20, 25-34, 36-40, 43-64, 67-78 AND 81-86**

On page 2 of the Office Action, claims 1-12, 14-20, 25-34, 36-40, 43-64, 67-78 and 81-86 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0026394 to Savage et al. (“Savage”). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. *Id.* “In addition, the prior art reference must be enabling.” *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. *In re Donohue*, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). “Such possession is effected if one of ordinary skill in the art could have combined the publication’s description of the invention with his own knowledge to make the claimed invention.” *Id.*

Regarding independent claims 1, 25, 48 and 67, the Examiner asserts that Savage discloses a method for an ordering payment allocation system for a seller, the method comprising the steps of:

a database (page 6, paragraph 0057);

a network interface coupled to the communications network (page 6, paragraph 0057);  
a processor, the processor executing functions which include (page 6, paragraph 0057):  
receiving two or more orders from at least one buyer, the orders corresponding to more  
than one subsidiary of the seller (page 8, paragraph 0067);  
evaluating the at least one order against one or more criteria, orders which meet the one  
or more criteria being approved (page 9, paragraph 0079);  
booking the approved orders (page 10, paragraph 0079);  
consolidating the orders into a consolidated invoice (page 15, paragraph 0108);  
making the consolidated invoice available to the at least one buyer (page 15, paragraph  
0110);  
receiving an indication from the at least one buyer as to which of the orders a payment is  
being approved (page 15, paragraph 0111 and page 11, paragraph 0086-0087); and  
allocating the payments to a corresponding subsidiary for which the payment has been  
made (page 15, paragraph 0111).

A. ***“receiving two or more orders from at least one buyer, the orders corresponding  
to more than one subsidiary of the seller”***

Applicants respectfully submit that Savage does not teach or suggest the claimed step of receiving two or more orders from at least one buyer, the orders corresponding to more than one subsidiary of the seller,” as expressly recited in independent claims 1 and 67. While Savage discloses that order data may be captured, it fails to teach or suggest any feature or functionality that receives two or more orders from at least one buyer, where such orders correspond to more than one subsidiary of the seller. For example, the excerpt from Savage cited by the Examiner generally discloses a system where one customer orders from one retail company, as opposed to

the claims 1 and 67, which recite receiving two or more orders from at least one buyer the orders corresponding to more than one subsidiary of the seller:

In an embodiment of the present invention, the data elements stored by database 136 include order number, customer number, date ordered (and effectiveness dates), and a list of bundles, products, and/or components ordered. Data elements also include method of payment (invoice, credit card), billing preference (separate or combined bill, paper fax, or electronic bill), order status for each component ordered, including supply chain vendor number, supply chain vendor order number, and order status, and detailed information required for each component, such as phone number for long distance, address for electricity, etc. The data elements further include pricing information (and effective dates) for each component ordered and the discount to be applied for any bundles. The system uses a data model with a relationship between the customer 110, orders, bundles, product, component, and discount. The relationship between these tables describes which customers purchased which retail company's bundles, products, and/or components. The customer 110 can place an order to purchase one or more bundles, products, or components. Bundles and products enable the retail company 234 to combine one or more services into a single offering. Products are defined as one or more components and bundles are defined as one or more products. Bundle and product pricing is the sum of the prices of all the components within the bundle/product minus any discount applied for purchasing a bundle.

*See, Savage, Page 8, ¶ 0067.* Accordingly, Applicants respectfully submit that independent claims 1 and 67 are allowable over the cited references for at least the reasons set forth above.

**B.     *“consolidating the orders into a consolidated invoice” and “generating a consolidated invoice based on the approved orders”***

Applicants further respectfully submit that Savage does not teach or suggest the step of “consolidating the orders into a consolidated invoice,” as expressly recited in independent claims 1 and 67, and “generating a consolidated invoice based on the approved orders,” as expressly recited in claims 2 and 48. Rather, Savage merely teaches the step of formatting a statement from aggregated bill data, rather than from “orders”:

In an embodiment of the present invention, *the statement generation system 164 receives aggregated bill data, formats a statement, and renders the statement.* The aggregated bill data is received, validated, and stored by the financial institution's system 114. The statement is formatted by identifying the customer

format requirements for the individual customer 110 and formatting a universal statement. Rendering the statement involves identifying customer delivery requirements for the individual customer 110 and delivering the universal statement, for example, by print; mail, fax, or the Internet. Once the usage bill is calculated and taxes applied, ownership of the receivable is purchased by the financial institution. The financial institution 100 establishes a consumer agreement to define the credit relationship, payment requirements and rights and obligations. The receivable is purchased at a discount rate, including anticipated net bad debt, financing and servicing costs. The utility compensates the financial institution 100 for "exceptional" bad debt losses and adjustments to cost of funding changes. Bill adjustments are returned to the retailer. Charges are posted to the consumer's combined billing account monthly, or in a manner similar to calling card charges. Each month's charges are due in full. Unpaid balances are subject to the terms and conditions defined by the financial institution 100 in the consumer agreement. Financing options may be added.

*See, Savage, Page 15, ¶ 0108 (emphasis added).*

While Applicants agree that Savage discloses a method and system that automatically formats a combined bill from aggregated account charges (see Abstract), Applicant respectfully submits such a disclosure does not teach or suggest the steps of "*consolidating ... orders into a consolidated invoice*" or "*generating a consolidated invoice based on ... approved orders,*" as expressly recited in each of the independent claims. In particular, there is no teaching or suggestion in Savage that "orders" are themselves into a consolidated invoice, or that a consolidated invoice is generated based on "approved orders." Rather, Savage merely teaches generating a statement from aggregated account charges that are generated or become available after an order has been placed. The claimed invention, on the other hand, generates a consolidate invoice based on orders. Further, to the extent that Savage discloses features or functionality that relate to order-processing, Applicants respectfully submit that there is no teaching or suggestion in Savage that such processing includes the consolidation of such orders into a consolidated invoice or the generation of consolidated invoices based on orders received.

Accordingly, Applicants respectfully submit that independent claims 1, 25, 48 and 67 are allowable over the cited references for at least the reasons set forth above.

**C. “receiving an indication from the at least one buyer as to which of the orders a payment is being approved” and “receiving an approval indication from the buying organization, the approval indication including an identification of those booked orders for which payment is authorized”**

Applicants further respectfully submit that Savage does not teach or suggest the step of “receiving an indication from at least one buyer as to which of the orders a payment is being approved,” as expressly recited in independent claims 1 and 67, and “receiving an approval indication from the buying organization, the approval indication including an identification of those booked orders for which payment is authorized,” as expressly recited in claims 25 and 48. Rather, Applicants respectfully submit that Savage merely discloses the receipt of payments and related processes, generally, but fails to teach or suggest any feature or functionality that receives an indication from at least one buyer as to which of the orders a payment is being approved, or receives an approval indication from the buying organization that includes an identification of those booked orders for which payment is authorized. For example, no teaching or suggestion is made that the payment indicates which of the orders is approved for payment, or that it comprises an approval indication including an indication of booked orders authorized for payment. The following excerpt demonstrates Savage’s deficiency in this regard:

In an embodiment of the present invention, the payment processing system receives payments, posts payments to account, and processes. Payments are received, for example, by check, autopay, or the Internet. Payments are validated, and exceptions are processed. Payments are posted to accounts by applying payment amounts to accounts and decreasing the balance in accordance to the amount paid. Processing address changes includes receiving address changes and applying address changes to the customer database 184. The receivable management system involves financing; account management, risk management, and collections. Financing includes, for example, identifying client charges,

applying pricing rules, forwarding payment to clients, and performing audits, as well as funding.

*See, Savage, Page 15, ¶ 111.*

Accordingly Applicants respectfully submit that Savage fails to teach or suggest the step of “receiving an indication from at least one buyer as to which of the orders a payment is being approved,” or “receiving an approval indication from the buying organization, the approval indication including an identification of those booked orders for which payment is authorized.” Accordingly, Applicants respectfully submit that independent claims 1, 25, 48 and 67 are allowable over the cited references for at least the reasons set forth above.

**D. *Dependent Claims***

Claims 2-24, 26-47, 49-64, 68-90, and 91-94 are dependent upon independent claim 1, 25, 48 or 67. Thus, since independent claims 1, 25, 48 and 67 should be allowable as discussed above, claims 2-24, 26-47, 49-64, 68-90, and 91-94 should also be allowable at least by virtue of their dependency on independent claim 1, 25, 48 or 67. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claims 91-95 further recite the step of “assigning a unique reference number to the consolidated invoice to enable tracking and invoice management” or “wherein the received funds include an assigned reference number corresponding to a consolidated monthly statement.” Applicant respectfully submits that Savage does not teach or suggest any of the features or functionality recited in new claims 91-95. In particular, Applicant respectfully submits that Savage does not teach or suggest any feature or functionality that “assign[s] a unique reference number to the consolidated invoice to enable tracking and invoice management” or “wherein the received funds include an assigned reference number corresponding to a consolidated monthly statement,” as set forth in new claims 91-95.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1-12, 14-20, 25-34, 36-40, 43-64, 67-78 and 81-86 be withdrawn.

**II. THE OBVIOUSNESS REJECTION OF CLAIMS 13, 21-24, 35, 41, 42, 65, 66, 79, 80 AND 87-90**

On page 7 of the Office Action, claims 13, 21-24, 35, 41, 42, 65, 66, 79, 80 and 87-90 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Savage. This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

**A. “*Codes*”**

Regarding claims 13, 23, 35, 42, 79, 80 and 89, the Examiner asserts that “Savage fails to teach entering a reason code,” but takes “Official Notice ... that entering a code is old and well known in the financial arts.” The Examiner further asserts, therefore, “that it would have been obvious to one of ordinary skill in the art at the time of the Applicant’s invention to modify the teachings of Savage and include reason codes because it is an efficient manner of providing the explanation for bill inquiries for reasons that may be common and often cited.

The Applicants traverse this rejection because there is no support in the record for the conclusion that the identified features are “old and well known.” In accordance with MPEP §

2144.03, Applicants respectfully request that the Examiner cite a reference in support of his position.

**B. *Independent Claim 65***

Regarding independent claim 65 (and other claims), the Examiner asserts that Savage teaches “receiving the authorized payment, disaggregating the received payment to associate portions of the received payment with one or more selling sub-entities; processing the received payment to update an accounts receivable system, generating at least one funding report, delivering the at least one funding report to the respective sub-entities; and transferring the disaggregated funds to financial accounts for the corresponding sub-entities (page 15, paragraph 0110-0111 and page 16, paragraph 0113).”

Applicants respectfully submit, however, that Savage does not teach or suggest the steps of “disaggregating the received payment to associate portions of the received payment with one or more selling sub-entities; processing the received payment to update an accounts receivable system, generating at least one funding report, delivering the at least one funding report to the respective sub-entities; and transferring the disaggregated funds to financial accounts for the corresponding sub-entities,” as expressly recited in independent claim 65. The excerpts from Savage cited by the Examiner as purportedly teaching these limitations merely disclose the presentation of a single bill, the receipt of payment, and the performance of various analyses:

In an embodiment of the present invention, the statement generation system 164 takes the charges from the retail company aggregator 124 and the credit card 154 and the telephony 152 direct feeds, places them on a single bill, and applies any overall financial institution discounts. The system 164 renders and delivers a bill to the customer 110 in the customer's preferred format. The retail company charges are combined with credit card and telephony charges. In a combined bill for the customer 110 the retail company charges are combined with the customer's credit card charges and any direct telephony charges for the billing cycle. Any financial institution overall discounts are applied. Any overall financial institution discounts based on the retail company plus the financial institution plus telephony

purchases by the individual customer are applied. A discount is given to the customer 110 for receiving a combined bill. Financial institution affinity points are calculated and applied. The applicable affinity points offered by the financial institution 100 or telephony for the customer based on the overall retail company plus financial institution plus telephony purchases are calculated. The bill or statement is rendered in the format desired by the customer 110 and delivered to the customer 110 by paper invoice, electronic (Web based) invoice, or electronic (CD-ROM or floppy) invoice. FIGS. 24-29 show a sample of the combined statement generated for the customer 110 by the statement generation system 164 for an embodiment of the present invention. FIG. 30 depicts the annual expenditures by industry.

In an embodiment of the present invention, the payment processing system receives payments, posts payments to account, and processes. Payments are received, for example, by check, autopay, or the Internet. Payments are validated, and exceptions are processed. Payments are posted to accounts by applying payment amounts to accounts and decreasing the balance in accordance to the amount paid. Processing address changes includes receiving address changes and applying address changes to the customer database 184. The receivable management system involves financing; account management, risk management, and collections. Financing includes, for example, identifying client charges, applying pricing rules, forwarding payment to clients, and performing audits, as well as funding.

\* \* \* \* \*

In an embodiment of the present invention, marketing analysis includes performing behavioral analysis, such as performing modeling to identify customer behavior tendencies and publishing reports; and performing financial analysis, such as performing analysis for marketing results reporting and publishing reports. Program management involves managing test plans, such as managing the implementation of market tests, publishing status reports and identifying and resolving implementation issues; implementing market plans, such as managing the implementation of market tests, publishing status reports, and identifying and resolving implementation issues; and publishing marketing reports, such as providing system infrastructure to capture performance data and publishing performance reports.

*See Savage, Pages 15, ¶s 0110 and 0111 and Page 16, ¶ 0113.*

In particular, Applicants respectfully submit that there is no teaching or suggestion of the steps of “disaggregating the received payment to associate portions of the received payment with one or more selling sub-entities; processing the received payment to update an accounts

receivable system, generating at least one funding report, delivering the at least one funding report to the respective sub-entities; and transferring the disaggregated funds to financial accounts for the corresponding sub-entities,” as expressly recited in claim 65.

Accordingly, Applicants respectfully submit that independent claim 65 (and its dependent claims) are allowable over the cited references for at least the reasons set forth above.

**C. Claims 24, 66, and 88**

Regarding claims 24, 66 and 88, the Examiner asserts that “Savage fails to teach funding a subsidiary corresponding to a holding account via a foreign exchange if the incremental funding account equals or exceeds a predetermined total when combined with a holding account amount.” However, the Examiner takes “Official Notice … that funding accounts is old and well known in the art.” The Examiner further asserts, therefore, that “it would have been obvious to one of ordinary skill in the art at the time of the Applicant’s invention to modify the teachings of Savage and including funding a subsidiary corresponding to a holding account via a foreign exchange if the incremental funding amount equals or exceeds a predetermined total when combined with a holding account amount because it is an efficient manner of allocating funds to subsidiaries.

The Applicants traverse this rejection because there is no support in the record for the conclusion that the identified features are “old and well known.” In accordance with MPEP § 2144.03, Applicants respectfully request that the Examiner cite a reference in support of his position.

As set forth above, therefore, Applicants respectfully submit that Savage does not teach or suggest each and every limitation of the pending claims. In addition, Applicants respectfully

submit that there is no motivation to modify Savage in the manner described by the Examiner.

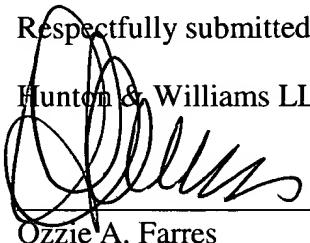
In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 13, 21-24, 35, 41, 42, 65, 66, 79, 80 and 87-90 be withdrawn.

### III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,  
Hunton & Williams LLP  
  
By: \_\_\_\_\_  
Ozzie A. Farres  
Registration No. 43,606

Hunton & Williams LLP  
1900 K Street, N.W.  
Washington, D.C. 20006-1109  
Telephone: (202) 955-1500  
Facsimile: (202) 778-2201

Date: September 15, 2005